

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**ISAAC LEGARETTA, ANTHONY
ZOCCOLI and JOHN or JANE DOES 1-20,**

Plaintiff,

v.

No. 2:21-cv-00179-MV-GBW

**FERNANDO MACIAS, Dona Ana County
Manager, DIRECTOR BRYAN BAKER, an
Official with the Dona Ana County Detention
Center, CAPTAIN BEN MENDOZA, an official
with the Dona Ana County Detention Center,
CAPTAIN JOSHUA FLEMING, an official with
the Dona Ana County Detention Center, COUNTY
OF DONA ANA and JOHN or JANE DOES 1-20,**

Defendants.

NOTICE OF SUPPLEMENTAL AUTHORITY

COME NOW Defendants Macias, Baker, Mendoza, Fleming, and County of Dona Ana, by and through undersigned counsel, and hereby provide this notice of supplemental authority. On July 6, 2021, the Acting Assistant Attorney General for the United States issued a slip opinion as Deputy Counsel to the President concerning “whether Section 564 of the Food, Drug, and Cosmetic Act prohibits entities from requiring the use of a vaccine subject to an Emergency Use Authorization.”

The opinion is persuasive authority in support of the arguments made in defendants’ Motion to Dismiss in Lieu of an Answer [Doc. 20] and against arguments made in plaintiffs’ amended complaint and response to the motion to dismiss [Doc. 22]; it is attached hereto as Exhibit A and may also be found at the following hyperlink:

<https://www.justice.gov/olc/file/1415446/download>

Respectfully submitted:

NEW MEXICO ASSOCIATION OF COUNTIES

/s/ Brandon Huss

BRANDON HUSS

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*Attorneys for Defendants Macias, Baker, Mendoza,
Fleming, and County*

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2021, I filed the foregoing pleading electronically through the CM/ECF system, which caused all counsel of record to be served electronically, as more fully reflected on the Notice of Electronic Filing.

/s/ Brandon Huss

BRANDON HUSS